

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Patent Application**

Applicant(s): C.-S. Li et al.  
Case: YOR920010407US1  
Serial No.: 09/896,584  
Filing Date: June 29, 2001  
Group: 3627  
Examiner: Asfand M. Sheikh

Title: Methods and Apparatus for Automatic Replenishment of Inventory  
Using Embedded Sensor System and Electronic Marketplace

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**AMENDED ATTORNEY AFFIDAVIT**

I, the undersigned, hereby declare and state as follows:

1. I prepared and filed the above-referenced U.S. patent application.
2. On or about May 1, 2001, I received an internal IBM invention disclosure document entitled "Method and Apparatus for Automatic Order Placement and Fulfillment of Merchandise Using Embedded System and Marketplace," with instructions to prepare and file a U.S. patent application based on the above-mentioned document. A copy of the accompanying letter is attached hereto as Exhibit 1.
3. Between May 1, 2001 and June 22, 2001, I had a reasonable backlog of cases which were taken up in chronological order and carried out expeditiously before working reasonably hard on and completing a draft patent application for the above-referenced U.S. patent application.

4. On or about June 22, 2001, I sent a draft patent application to inventor Chung-Sheng Li with a request that the inventors review the draft and provide comments. The fax transmission cover sheet is attached hereto as Exhibit 2.

5. During the period from June 22, 2001 to June 29, 2001, I worked diligently to revise the draft patent application in accordance with the inventors' comments and to obtain executed declarations from the inventors.

6. The invention was constructively reduced to practice by filing the above-referenced patent application on June 29, 2001.

7. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

8. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Date: August 28, 2007

  
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William E. Lewis  
Attorney for Applicant(s)  
Reg. No. 39,274

EXHIBIT 1



Thomas J. Watson Research Center  
P.O. Box 218  
Yorktown, NY 10598

May 1, 2001

William E. Lewis, Esq.  
Ryan, Mason & Lewis, L.L.P.  
90 Forest Avenue  
Locust Valley, New York 11560

RECEIVED  
WITH THANKS  
RYAN, MASON & LEWIS, LLP  
JUN 5 2001

528 Re: YOR920010407US1

"Method and Apparatus for Automatic Order Placement and Fulfillment  
of Merchandise Using Embedded System and Marketplace"

Dear Bill:

Please prepare a U.S. Patent Application for filing in the U.S. Patent and Trademark Office for the above referenced docket. We wish that the application be filed no later than June 30, 2001, so that the application can qualify for an IBM incentive award. This application is to be prepared in accordance with the IBM Outside Counsel Instructions in EPC format. Please include a Beauregard claim.

It is desired that this office be informed at all points involving scope of coverage and financial decisions. We wish that you handle the preparation and filing of all formal papers. Please note that the following paragraph should be used for the Power of Attorney.

POWER OF ATTORNEY: As a named inventor I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Manny W. Schecter (Reg. 31,722), Lauren Bruzzone (Reg. 35,082), Christopher A. Hughes (Reg. 26,914), Robert P. Tassinari, Jr. (Reg. No. 36,030), John E. Hoel (Reg. 26,279), Joseph C. Redmond, Jr. (Reg. 18,753), Paul J. Otterstedt (Reg. 37,411), Douglas W. Cameron (Reg. 31,596), Stephen C. Kaufman (Reg. No. 29,551), Daniel P. Morris (Reg. No. 32,053), Louis J. Percello (Reg. No. 33,206), Marian Underweiser (Reg. No. 46,134), Robert M. Trepp (Reg. No. 25,933), Derek S. Jennings (Reg. No. 41,473), Louis P. Herzberg (Reg. No. 41,500), Richard M. Ludwin (Reg. No. 33,010), Marc A. Ehrlich (Reg. No. 39,966), Gail Zarick (Reg. No. 43,303), Timothy M. Farrell (Reg. No. 37,321)

Enclosed herewith are materials for use in preparing the application.

Send Correspondence to: Outside Counsel

Direct Telephone Calls to: (name and telephone number) Outside Counsel

An Associate Power of Attorney form should be prepared and forwarded to this office for signature.

Please be advised that an additional step in our procedure is required when filing ALL original IBM Yorktown Patent Applications in the USPTO. The additional step is that a "Taiwan Oath & Assignment" form must be completed. The form must have all the required information completely filled in and must be signed and dated by all named inventors in the subject patent application. When the form is complete, and all inventor(s) signatures and dates have been obtained, please forward the original Taiwan Oath & Assignment back to my office.

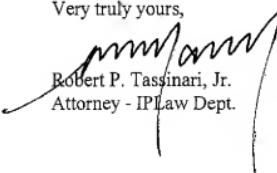
Please have your illustrator prepare formal drawings for the applications. The docket number on the drawings must be consistent with the docket number on the application. In the event these applications are filed with informal drawings, please provide us with formal drawings within six weeks after the filing date. Should you have any questions regarding the preparation of formal drawings, please contact me.

Inventor contact:

Chung-Sheng Li (914) 784-6661 Internal Address: 790/960B

If you have any questions or comments, please feel free to contact me at (914) 945-2631.

Very truly yours,

  
Robert P. Tassinari, Jr.  
Attorney - IP Law Dept.

/esf  
enclosure  
Cc: Barbara Rasa

Chung-Sheng Li	(914) 784-6661	Internal Address: 790/960B
Mahmoud Naghshineh	(914) 784-6231	Internal Address: 790/587

EXHIBIT 2

RYAN, MASON & LEWIS, LLP  
ATTORNEYS AT LAW  
90 FOREST AVENUE  
LOCUST VALLEY, NEW YORK 11560  
Telephone: (516) 759-2946  
Facsimile: (516) 759-9512  
Email: [wel@rml-law.com](mailto:wel@rml-law.com)

DATE: June 22, 2001

FILE: YOR920010407US1

Facsimile Message From: **WILLIAM E. LEWIS**

Please deliver the following pages to:

NAME: Chung-Sheng Li

OF: IBM Corporation

FAX NUMBER: (914) 784-6024

NUMBER OF PAGES INCLUDING THIS COVER PAGE: 30

COMMENTS/INSTRUCTIONS:

Dear Chung-Sheng:

Please find attached a draft patent application relating to your automatic inventory control system. I kindly request that you review the draft and provide me with your comments as soon as possible. As you know, we plan to file this case on or before **Friday, June 29, 2001**. Please confirm receipt. Thank you for your assistance with this case.

Best regards,

  
Bill Lewis

If you do not receive all of the pages, please call us back as soon as possible at (516) 759-2946.

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. THANK YOU.